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April 20, 2005
Filed Electronically via ECFS
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex Parte, CC Docket No. 99-273, Provision of Directory Listing Information Under the Communications Act of 1934, as Amended

Dear Ms. Dortch:

This written *ex parte* is respectfully submitted on behalf of LSSi Corp., an active participant in the above-referenced proceeding. In our most recent previous *ex parte* letter, dated September 10, 2004, we provided the Commission with a reference to a reasonably comprehensive matrix of the do-not-call laws of 44 states, as well as an update on the status of state laws and regulations governing the use of unlisted and non-published subscriber listing information. We also described the types of information LSSi receives from LEC suppliers, LSSi's own policies and procedures regarding the use of unlisted and non-published data, and the contractual obligations LSSi imposes on its own customers to comply with applicable laws and regulations.

Recently, LSSi has become aware that at least one of its competitors in the directory database services industry is actively promoting, in its electronic access products, the availability of names and addresses (without phone numbers) associated with non-published subscriber listings. Currently, as noted in our September 10, 2004 *ex parte*, "LSSi suppresses the address information on non-published listings in its electronic access system, and only displays the name, locality and 'NP' indicator." LSSi is currently reevaluating its position on this issue in light of the competitive pressure to continue to provide the most current, complete and accurate electronic access products available.

In the four years since Qwest and SBC/BellSouth filed petitions for reconsideration of the *Directory Listing Order*, electronic access to name, address and telephone number information has become increasingly commonplace, both via traditional sources such as directory assistance and newer sources, such as Internet search engines like Google. Just as the National Do-Not-Call Registry provides consumers with a convenient means of opting out of most telemarketing calls, the operators of major search engines provide an opt-out mechanism for consumers not wanting their information included in the "phonebook" sections of search engines. Customers know how to make their privacy preferences known. The LECs' invocation of presumed "customer expectations of privacy" in an effort to limit the use of DA information is based on sheer speculation.



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Although LSSi will continue to observe all applicable laws and regulations regarding non-published listings, and will insist that its customers do likewise, we urge the Commission to act quickly to reaffirm its decision in the *Directory Listing Order* to prohibit LEC-imposed restrictions on the use of data derived from DA databases.

Very truly yours,

DLA Piper Rudnick Gray Cary US LLP

/s/ Larry A. Blosser

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